

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

IN RE WASHINGTON MUTUAL
MORTGAGE BACKED SECURITIES
LITIGATION

Master Case No. 2:09-cv-00037-MJP

**DECLARATION OF KENNETH M.
REHNS SUBMITTED IN
ACCORDANCE WITH THE COURT'S
SEPTEMBER 21 ORDER**

This Document Relates to: ALL CASES

I, Kenneth M. Rehns, an attorney duly admitted to practice law before the courts of the State of New York and admitted *pro hac vice* to this Court, declare, under the penalty of perjury, as follows:

1. I am an Associate with the law firm of Cohen Milstein Sellers & Toll PLLC, co-lead counsel and attorneys for Boilermakers National Annuity Trust ("BNAT" or "Plaintiff"). I am fully familiar with the facts and circumstances herein. I submit this Certification in accordance with the Court's September 21, 2011 Order Granting Defendants' Motion to Compel (the "Order").

1 2. In accordance with the Court's Order, all McMorgan & Company and Callan
2 Associates Reports for the time period 2007-2008 that were in BNAT's possession, custody
3 or control were produced on Friday, September 30, 2011 (Bates-stamped BNT0000371-
4 BNT0001542).

5 3. In addition, BNAT searched the email records of Richard Calcara, BNAT's
6 Administrative Director, Mario Rodriguez, BNAT's Chief Investment Officer, and Cyndy
7 Dekeyser, BNAT's Investments Coordinator. These officers, individually or together, are
8 involved in all investment-related communications for BNAT.

9 4. In order to search the email system, BNAT's technology department used the
10 followed 23 search terms:

11		
12	Mortgage Backed Securities	WaMu 2006-AR7
13	MBS	2006-AR7
14	WaMu MBS	Washington Mutual Bank
15	"Washington Mutual" and MBS	Washington Mutual Asset Acceptance
16	"Washington Mutual" and "mortgage	Corporation
17	backed securities"	WMAAC
18	Residential Mortgage Backed Securities	WMB
19	Countrywide Alternative Loan 2005-76	Washington Mutual
20	Countrywide	WaMu Capital Corp
21	CWALT 2005-76	housing market
22	WaMu	
23	RMBS	

24 5. The search resulted in 864 hits including emails and attachments. This search
25 took six days, and was completed on Wednesday, September 28, 2011. These documents
26 were then reviewed by Plaintiff's counsel for responsiveness. A total of 62 documents were
27 deemed to be responsive and were subsequently produced in rolling productions that
occurred on September 30, 2011 and October 3, 2011 (Bates-stamped BNT0000321-
BNT0000371, BNT0001543-BNT0001606). Plaintiff now certifies that all responsive
emails have been produced to Defendants.

1 6. Simultaneously, the same search terms were used to search the network and
2 electronic files of BNAT. This search ran through the night for eight days. Because of the
3 volume of search terms, and technical difficulties outside of BNAT's control, BNAT's
4 systems were overwhelmed, which resulted in a longer than expected search time. As a
5 result, this search, which was started on September 26, 2011, was completed on October 3,
6 2011. To date, a total of 1,984 potentially responsive documents have been identified as a
7 result of this search.

8 7. Furthermore, with the way that BNAT's electronic systems are designed, after
9 completing the search, BNAT's IT Department must now locate manually each file that was
10 part of the search results in order to provide it to counsel for review. Because of these
11 unforeseen complications – the longer than expected search time and the way that BNAT's
12 electronic systems are structured – these documents are still being gathered and reviewed by
13 counsel. It is anticipated that responsive documents (if any) will be produced no later than
14 Monday, October 10, 2011. At that time, Plaintiff will submit a supplemental declaration,
15 certifying, where necessary, that no responsive documents exist, as required by the Order.

16 8. In sum, in response to the Court's Order, BNAT identified approximately
17 2,848 documents that were potentially responsive to Defendants' Document Request Nos. 4,
18 8, 9, 10, 13, 14, 19, 30, 38, and 43, including documents relating to damages (Request No.
19 19) and BNAT's investments in other residential mortgage-backed securities (Request Nos.
20 13-14). Of those documents, counsel identified approximately 98 responsive documents to
21 date, including investment manager reports, investment consultant reports and emails, all of
22 which have been produced. As per the Order, these productions include documents that were
23 previously withheld as cumulative or irrelevant.

24 9. As explained above, it is anticipated that the remainder of potentially
25 responsive documents will be produced no later than October 10, 2011. At this point, and as
26 a result of the most recent search and review completed thus far, which includes all of
27

1 BNAT's emails and investment manager and consultant reports, Plaintiff can certify that no
2 documents exist for the following requests for production, 2, 3, 6-11, 15, 21, 24, 26-27, 29-
3 34 and 42.

4
5 I declare under penalty of perjury of the laws of the United States that the foregoing is
6 true and correct.

7 Dated: October 3, 2011 at New York, New York.

8 COHEN MILSTEIN SELLERS & TOLL PLLC
9

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CERTIFICATE OF SERVICE

I hereby certify that on October 3, 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send electronic notification of such filing to all counsel of record and additional persons listed below:

2:09-cv-00037-MJP Notice has been electronically mailed to:

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17 Dated October 3, 2011.

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